

### III. REMARKS

Claims 1-20 are pending in this application. By this Amendment, claims 1, 7, and 13 have been amended. Reconsideration in view of the following remarks is respectfully requested.

Entry of this Amendment is proper under 37 C.F.R. § 1.116(b) because the Amendment: (a) places the application in condition for allowance as discussed below; (b) does not raise any new issues requiring further search and/or consideration; and (c) places the application in better form for appeal. Accordingly, Applicants respectfully request entry of this Amendment.

In the Final Office Action, claims 1, 2, 6-8, 12-14, 18, and 20 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 5,881,175 to Kim. Specifically, regarding the arguments in Applicants' November 30, 2004 Amendment, the Office states:

Since the video object plane signal of Kim includes both object pixels representing foreground video object plane data and background video object plane data, with the masking of image data to determine the foreground and background object video object data (see column 4, lines 9-26), it is submitted that the video object plane signal of Kim provides both a foreground video object plane and a background video object plane as claimed.

Final Office Action at 5-6.

Applicants note, however, that the passage of Kim cited by the Office reads, in part:

First, an image signal, e.g., a digital image frame signal or a video object plane (VOP) signal in a digital image frame signal is inputted to the primary padding circuit 502 via a line L20. The image signal includes object pixels within an object, background pixels within a background located outside the object, a contour signal representing the contour of the object and mask data having a first binary value and a second binary value... Therefore, it should be noted here that the contour signal obtained based on the mask data can include data for a size and a position characterizing the shape of the object.

Column 4, lines 9-21 (emphasis added).

That is, the signal inputted to the primary padding circuit includes a contour signal representing the shape of the object which must, therefore, be generated external to encoding apparatus 400.

Contrarily, according to the present invention, "shape-based coding system 16 generates foreground shape data 18." Application at 4. That is, the signal inputted to object-based encoding system 10 does not include foreground shape data 18. Rather, foreground shape data 18 is generated by object-based encoding system 10 itself; specifically, by shape-based coding system 16.

Each of claims 1, 7, and 13 has been amended to recite that the object-based encoding system generates foreground shape data. Accordingly, Applicants assert that, as amended, Kim does not anticipate any of claims 1, 7, or 13, from which all other pending claims depend, and respectfully request withdrawal of the rejection.

In the Final Office Action, claims 3, 9, and 15 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Kim as applied to claims 1, 2, 6-8, 12-14, 18, and 20 in view of U.S. Patent No. 6,404,901 to Itokawa; claims 4, 5, 10, 11, 16, and 17 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Kim as applied to claims 1, 2, 6-8, 12-14, 18, and 20 in view of the Ostermann article; and claim 19 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Kim as applied to claims 1, 2, 6-8, 12-14, 18, and 20 in view of U.S. Patent Application Publication No. 20010048770 to Maeda. Applicants assert that each of the rejected claims is allowable for the reasons given above as well as for its own additional features not taught by the prior art. Accordingly, Applicants respectfully request withdrawal of the rejections.

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In view of the foregoing, Applicants respectfully request withdrawal of the rejection, and allowance of the application. Should the Examiner require anything further from Applicants, the Examiner is invited to contact Applicants' undersigned representative at the number listed below.

Respectfully submitted,



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